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OFFICE OF PETITIONS

In re Application of Haskell :
Application No. 10/522,459 :
Filing Date: January 24, 2008 :
Attorney Docket No. VAJP-40008 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(b), filed September 2, 2009, to revive the above-identified application.

The petition is **granted**.

The Office mailed a final Office action on October 29, 2008. The Office action set a shortened statutory period for reply of three (3) months. A reply was filed January 28, 2009. As stated in the Advisory Action mailed July 8, 2009, the reply filed January 28, 2009, was not a proper reply to the Office action. As a result, the application became abandoned on January 30, 2009.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee,
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

The petition is accompanied by a Request for Continued Examination and the required petition fee. Petitioner states the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

Technology Center Art Unit 3765 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



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